

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 12-17(DSD)

United States of America,

Plaintiff,

v.

ORDER

Mario Ronrico Smith,

Defendant.

Amber M. Brennan, United States Attorney's Office, 300 South 4th Street, Suite 600, Minneapolis, MN, counsel of plaintiff.

Mario Ronrico Smith, #10377-041, FCI-Greenville, P.O. Box 5000, Greenville, IL 62246, defendant pro se.

This matter is before the court upon pro se defendant Mario Ronrico Smith's motion to reconsider. Smith urges the court to reconsider its July 14, 2017, order denying his motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255.

Motions to reconsider require the "court's prior permission," which will be granted only upon a showing of "compelling circumstances." D. Minn. LR 7.1(j). Smith has not received such permission from the court, and this alone warrants denial of his motion to reconsider.

Even if the court were to construe Smith's motion as a request for permission to file a motion to reconsider, it would be denied. A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in

extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993). Here, Smith raises arguments that the court previously addressed in its order; therefore, reconsideration is not warranted.

Accordingly, **IT IS HEREBY ORDERED** that the motion to reconsider [ECF No. 144] is denied.

Dated: August 21, 2017

s/David S. Doty
David S. Doty, Judge
United States District Court